

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

OCT 31 2013

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY MM DEP CLK

In the Matter of the Search of)

(Briefly describe the property to be searched or identify the person by name and address))

USPS Express Mail EG 763861059 US, mailed from Weldon, NC 27890 dated October 29)
2013, bearing \$45.15 postage, with a return address of Howell, 163 Morgan Dr, Roanoke)
Rapids, NC 27870 addressed to Sunny Murray, 1014 Hopper Ln #218, Santa Rosa, CA)
95403 seized from the Raleigh Processing and Distribution Center in Raleigh, NC 27676)

Case No. 5:13mj 1956

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

USPS Express Mail EG 763861059 US, mailed from Weldon, NC 27890 dated October 29, 2013, bearing \$45.15 postage, with a return address of Howell, 163 Morgan Dr, Roanoke Rapids, NC 27870 addressed to Sunny Murray, 1014 Hopper Ln #218, Santa Rosa, CA 95403 seized from the Raleigh Processing and Distribution Center in Raleigh, NC 27676.

located in the Eastern District of North Carolina, there is now concealed (*identify the person or describe the property to be seized*):

Controlled Substances and/or the proceeds from the sale of controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of a crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime
a person to be arrested or a person who is unlawfully restrained

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 21, United States Code, Sections 841 and 843	Distribution and possession with intent to distribute controlled substances; Use of a communication facility.

The application is based on these facts:

See attached Affidavit

Continued on the attached sheet

Delayed notice of ____ days (give exact ending date if more than 30 days: ____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Signature]
Applicant's Signature

Dustin C. Holland, US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 31 October 2013
1:45 P.M.

City and State: Raleigh, North Carolina

[Signature]
Judge's signature

JAMES E. GATES, United States Magistrate Judge

Printed Name and Title

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AFFIDAVIT

I, Dustin C. Holland, being duly sworn, state as follows:

1. My name is Dustin Holland, and I am a United States Postal Inspector. I have been working as a Postal Inspector for over ten years and am currently assigned to the Raleigh, North Carolina, office of the United States Postal Inspection Service ("USPIS"). Prior to joining the USPIS, I was a Deputy Sheriff and Narcotics Investigator with the Nash County Sheriff's Office for nearly five years. As a Postal Inspector, I enforce federal laws relating to postal offenses. My assignment includes, but is not limited to, investigations of mail fraud, mail theft, credit card fraud, identity theft, burglaries and robberies of Post Offices, non-mailable items, including hazardous materials, narcotics and threatening communications. I have written over four hundred thirty (430) search warrants on parcels suspected of containing controlled substances or proceeds from the sale of controlled substances. I have also written and/or assisted in the service of over one hundred (100) search warrants for illegal controlled substances. Based on my training and experience, I am personally familiar with the color, shape, texture and odor of most illegal controlled substances, including but not limited to, crack cocaine, cocaine, heroin, methamphetamines, ecstasy and marijuana. This affidavit is submitted in support of an application for a Search Warrant for USPS Express Mail EG 763861059 US, mailed from Weldon, NC 27890 dated October 29, 2013, bearing \$45.15 postage, with a return address of Howell, 163 Morgan Dr, Roanoke Rapids, NC 27870 addressed to Sunny Murray, 1014 Hopper Ln #218, Santa Rosa, CA 95403 seized from the Raleigh Processing and Distribution Center (P&DC) in Raleigh, NC 27676. (SUBJECT MAIL PARCEL)

2. On October 29, 2013, SUBJECT MAIL PARCEL was identified as having similar characteristics to previously mailed parcels known to contain illegal narcotics or the proceeds from the sale of controlled substances. The SUBJECT MAIL PARCEL was subsequently pulled from the mailstream at the Raleigh Processing & Distribution Center for additional examination. It is the normal course of business for USPS parcels mailed from Durham, NC to come to the Raleigh P&DC to be processed and shipped to intended destinations.

3. The return address written on the label was Howell, 163 Morgan Dr, Roanoke Rapids, NC 27870. Investigation determined there is no Howell associated with the Morgan Dr address. Further investigation revealed there is no Sunny Murray associated with the Hopper Ln address in California. I know from my training and experience that people who ship and receive controlled substances via the U.S. Mail often use fictitious names, phone numbers and/or addresses in attempts to disassociate themselves from the controlled substances.

4. On October 29, 2013, at approximately 7:56 p.m., a parcel lineup was set up at the USPIS office in Raleigh, NC. The parcel lineup was set up in an area which is not used to store or maintain any controlled substances. The parcel lineup consisted of the SUBJECT MAIL PARCEL and five additional parcels of various shapes and sizes. The five additional parcels were prepared by this affiant and did not contain any controlled substances. Postal Inspectors requested assistance from Wake County Sheriff's Office

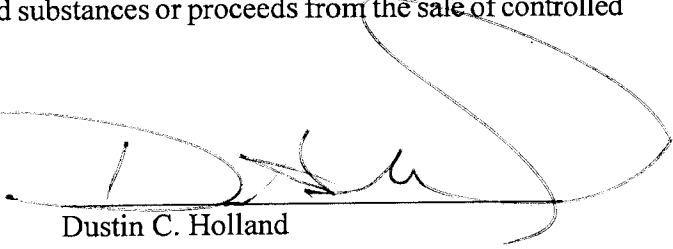
(WCSO), Master Deputy J. Smith and "Hydro", a certified narcotics detection dog. Master Deputy J. Smith and "Hydro" searched the parcel lineup for the odor of controlled substances. Master Deputy J. Smith advised agents that "Hydro" had 'alerted' on SUBJECT MAIL PARCEL. Master Deputy J. Smith stated that, in the past, "Hydro's" alerts have led to the apprehension of narcotics traffickers and seizures of controlled substances. Master Deputy J. Smith advised agents that he is very familiar with "Hydro's" actions, having worked with him for approximately one year, and is certain "Hydro" was alerting on the SUBJECT MAIL PARCEL. Master Deputy J. Smith advised agents that "Hydro" 'alerts' to the odor of crack cocaine, cocaine, heroin, methamphetamines and marijuana. Master Deputy J. Smith further advised agents that "Hydro's" alerts have resulted in the seizure of over fifty one pounds of Methamphetamine, four pounds of Heroin and six hundred pounds of Marijuana as well as over \$400,000.00 in drug proceeds. Master Deputy J. Smith stated, based upon his experience, he believed "Hydro" was indicating by the alert, the parcel contained the odor of controlled substances and/or the proceeds from the sale of controlled substances.

5. Prior investigations by U.S. Postal Inspectors have determined the U.S. Mails are being used to transmit controlled substances from California to other destinations in the United States. I further know materials relating to the distribution of controlled substances are often included in these packages along with the controlled substances. I have seized numerous parcels being mailed to California with proceeds from the sale of illegal narcotics which were forfeited. I have also seized countless parcels mailed from California containing controlled substances. Individuals who regularly handle controlled substances often leave the scent of controlled substances on the box and other packaging material that they handle. Packaging materials are also often stored in close proximity to the controlled substances, transferring the odor of the controlled substance to the packaging material, for which narcotic canines are trained to alert on these scents.

6. Based upon the information provided by WCSO Master Deputy J. Smith and "Hydro", a certified narcotics detection dog's 'alerting' on the parcel, and the fact that California is a proven source originating point for the shipment of controlled substances through the mail and these facts are consistent with past narcotics trafficking investigations via the United States Mails from California to North Carolina, it is my belief SUBJECT MAIL PARCEL contains a controlled dangerous substance or the proceeds from the sale of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 843(b).

7. The SUBJECT MAIL PARCEL is presently in the custody of the Postal Inspection Service Office in Raleigh, NC. Affiant seeks authority for agents to open the parcel for search and seizure of controlled substances or proceeds from the sale of controlled substances.

Further your affiant sayeth not.



Dustin C. Holland
Postal Inspector
United States Postal Inspection Service

Sworn and subscribed before me,
this 31 day of October, 2013,
in Raleigh, North Carolina



HON. James E. Gates
United States Magistrate Judge